IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1651 of 1999

in

SPECIAL CIVIL APPLICATIONNo 9291 of 1998

For Signature:

Hon'ble MR.JUSTICE B.J.SHETHNA
and
Hon'ble MR.JUSTICE A.L.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

NITABEN PRATAPSINH JADEJA

Versus

SUPERINTENDENT

Appearance:

1. LETTERS PATENT APPEAL No. 1651 of 1999

MR GM JOSHI for Appellant No.

Mr. MUNSHAW for Respondent No. 1-2

CORAM : MR.JUSTICE B.J.SHETHNA
and
MR.JUSTICE A.L.DAVE

Date of decision: 29/04/2003

ORAL JUDGEMENT

(Per : MR.JUSTICE B.J.SHETHNA)

1. Admit.

2. Learned counsel, Shri Munshaw, who appeared before the learned Single Judge for the respondents was directed to accept notice in this appeal.

3. By consent of the learned counsel for parties, this matter is finally heard and disposed of today by this order.

4. Against the impugned award passed by the Labour Court, the appellant-petitioner filed Special Civil Application No.9291 of 1998, whereas the respondent-Corporation had filed Special Civil Application No.3608 of 1998. Both the petitions were listed before the learned Single Judge of this Court (Coram: Ms. R.M. Doshit, J.) on 1st November, 1999. After hearing both the learned counsel for the parties, the learned Single Judge admitted Special Civil Application No.3608 of 1998 and granted interim relief in favour of the respondent-Corporation. But, on the same day, i.e. on 1.11.1999, after hearing the learned counsel for parties, she dismissed Special Civil Application No.9291 of 1998 filed by the appellant-petitioner. This order is challenged in this Letters Patent Appeal.

5. Ordinarily, when cross-petitions were filed and, if one of them was admitted, then as a matter of course, the other petition was required to be admitted. Without assigning any special reasons, the learned Single Judge, however, rejected Special Civil Application No.9291 of 1998 by merely observing that no ground for interference is made out.

6. In view of the above, we are of the considered opinion that, while dismissing Special Civil Application No.9291 of 1998, the learned Single Judge committed an error. Therefore, the order dated 1.11.1999 passed by the learned Single Judge dismissing Special Civil Application No.9291 of 1998 is hereby quashed and set aside.

7. The net result is that Special Civil Application No.9291 of 1998 is remanded to the learned Single with a request that it may be heard along with Special Civil Application No.3608 of 1998. The appeal is allowed,

accordingly, with no order as to costs.

[B.J. SHETHNA, J.]

[A. L. DAVE, J.]

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